IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Yaseen Khan Vs. Labour Tribunal, Bikaner & Ors

S.B.CIVIL WRIT PETITION NO.2508/2007

DATE OF ORDER :: May 02, 2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.Rajesh Joshi, for the petitioner.

BY THE COURT:

I have heard learned counsel for the petitioner at length. Carefully gone through the award impugned.

The learned Tribunal on proper and sound appreciation of the evidence, held that the service tenure of the petitioner is not good and he was punished on various occasions and, therefore, he is not entitled for selection grade; the petitioner was retired from service on 30.9.2000, to which there is no dispute between the parties; the petitioner failed to establish that he is entitled for increment from 1997 to 2000 nor there is

any due with regard to weekly off from 1995 to 1997. At the time of superannuation of the petitioner i.e. 30.9.2000, there was a disciplinary proceeding pending against the petitioner and the case of absence from duty was under consideration, which was decided after retirement of the petitioner vide Ex.M-10 dt. 30.8.2001. On these premises, the Tribunal came to the conclusion that the petitioner is not entitled for interest on delayed payment of retiral benefit, however, according to his own in his claim, he was granted these benefits.

In this view of the matter, in my view, the award impugned is based on proper and sound appreciation of the evidence and the Tribunal was justified in denying the benefit to the petitioner as prayed by him in his claim.

In the circumstances, therefore, in my view, no case for interference is made out. The writ petition is dismissed. There shall be no order as to costs.

[H.R.PANWAR],J.

m.asif/-